

These minutes have been approved by the Board on 12.7.2020

## **MINUTES OF THE CONFERENCE CALL MEETING**

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
October 5, 2020

### **1. ROLL CALL**

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Secretary, Pamela Rowland, at 10:40 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, 5B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 9.23.2020.

The following members answered roll call:

#### **Members Present (9):**

Shannon Bingham, Member  
Jacqueline Hornig, Member  
Melanie Judkins, Member  
Ruth Lucas, Member  
Marie Nordboe, Member  
Becky Pettigrew, Member  
Brandy Phillips, Member  
Pamela Rowland, Secretary  
Harold "Buddy" Sims, Member

#### **Members Absent (2):**

Bridget Anderson, Vice-Chair  
Vicki Criswell, Chair

#### **Others Present in Conference Room:**

Kris Chiles, Program Manager, Licensure Unit  
Natalee Hart, Assistant Attorney General  
Heidi Weiland, Health Licensing Coordinator  
Anna Harrison, Compliance Monitor (on call)  
Trevor Klaassen, DHHS Investigation

A quorum was present and the meeting convened.

### **2. ADOPTION OF AGENDA**

**MOTION:** Pettigrew moved, seconded by Nordboe, to adopt the agenda. A voice vote was taken. Voting aye: Bingham, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Anderson, Criswell (2). Vacant positions (2). Motion carried.

### **3. APPROVAL OF MINUTES – 9.14.2020 – defer until next meeting**

### **4. COVID-19: Executive Orders, Continuing Education, Re-Opens, and Press Releases**

<http://dhhs.ne.gov/licensure/Pages/Cosmetology-and-Esthetics.aspx>

The following was discussed:

- Nebraska is currently still in under the state of emergency, there has not been any conversations about it being lifted at this time.
- Esthetician Renewals – licenses expire 9.30.2020 – Esthetician post cards have been mailed out,
- Cosmetologist Renewals – licenses expire 12.31.2020 – post cards are going in the mail soon –
- Unlimited online CE's are still acceptable, guidelines to follow for the certificates for continuing education, if certificates aren't provided, supporting documentation can be reviewed by the department (see page 7 of the regulations) [https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health\\_and\\_Human\\_Services\\_System/Title-172/Chapter-036.pdf](https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-036.pdf)
- Refer to best practices for Barbers and Salons - <http://dhhs.ne.gov/Documents/COVID-19-Recommended-Best-Practices-for-Barbers-and-Salons.pdf>
- Refer to best practices for Body Art - <http://dhhs.ne.gov/Documents/COVID-19-Recommended-Best-Practices-for-Body-Art.pdf>

[Practices-for-Body-Art-Piercing-and-Tattooing.pdf](#)

10:46 a.m. Anderson entered the meeting room

**5. REGULATION UPDATE: 34/43, 44-46**

- Chapter 34 – Sanitation: Effective Date of regulations is 9.30.2020
- Implementation plan: Need to assure Jurisprudence Exams are consistent with Chapter 34/36 and inspection data would need updating
- Chapters 44-46 – Body Art: Legal is seeking approval for scheduling a 2<sup>nd</sup> public hearing

10:55 a.m. Criswell entered the conference call

Rowland and Sims – meet with Senator Kolterman on 10.19.20 to discuss LB 607

Hornig – multiple states are proposing a “Consumer Choice” bill that with signed by a consumer, it allows individuals not licensed to perform skills, this could potentially eliminate occupational licensing

**6. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Pettigrew moved, seconded by Nordboe, to enter into closed session at 11:04 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Criswell repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

11:16 a.m. Klaassen exited the call

11:23 a.m. Harrison exited the call

**7. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION**

Verbal agreement from all board members to enter into open session at 11:37 a.m.

**Rocina Rios - Cosmetologist - Reinstatement**

**MOTION:** Anderson moved, seconded by Hornig, to recommend 6 month probation with all terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

**Wyatt Opalinski – Tattoo Artist – Initial License**

**MOTION:** Pettigrew moved, seconded by Anderson, to recommend to defer for additional information. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

**Joshua Dodge –Tattoo Artist – Reinstatement**

**MOTION:** Anderson moved, seconded by Judkins, recommend a pre-licensure investigation. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

**Nicholas Walters – Tattoo Artist - Initial**

**MOTION:** Judkins moved, seconded by Nordboe, recommend to issue license with no terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Chiles reported the following:

- Cosmetology licensees with outstanding administrative penalties have been sent a notice that if not paid, renewal cannot be processed
- Esthetician renewal has ended on 9.30.20
- Judkin's term expires 11.30.2020 (served 10 years)

- Anderson Bingham have submitted applications for re-appointment for another 5 years.
- Hornig to attend NIC – need dates for per diem

## **9. ADJOURNMENT**

Criswell announced the next meeting is scheduled on 11.2.20 as a conference call and declared the meeting adjourned at 11:54 a.m.

Submitted,

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Pamela Rowland, Secretary

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by:

Heidi Weiland, Health Licensing Coordinator, Licensure Unit